

MOTION BY SUPERVISOR GLORIA MOLINA

July 10, 2007

AMENDMENT TO ITEM NO. 12

For more than a decade, with the knowledge and approval of this Board, County Counsel has provided written memos to the Claims Board that provide an explanation and justification for recommended settlements that can number in the millions of dollars.

These memos have provided the public with important information about the fault that is alleged, the County's perspective, expert views, what the County could expect should it take the case to trial, and how much the County has paid in fees to defend each case.

Most importantly, by providing this information to the public, we have held ourselves, our departments, and our institutions to a higher standard of scrutiny and accountability, forcing us to work harder to correct errors and to avoid repeating costly mistakes.

Last week, after media inquiry, County Counsel informed the Board that the practice of providing these settlement Claims Board memos to the public was

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Molina _____

Burke _____

Knabe _____

Antonovich _____

Yaroslavsky _____

discontinued since May 2007. This action was taken without Board input and without public discussion.

I, THEREFORE, MOVE that this Board:

1. Direct County Counsel to prepare a report for public discussion in one week that provides the rationale for the original decision to make this information public and what, if anything, has changed to justify discontinuing this practice;
2. Direct the Chief Executive Officer in collaboration with County Counsel to develop a process for presentation in one week that strikes an appropriate balance between our responsibility to open government and transparency, and our fiduciary duty to the public. Such a process should apply to all proposed settlements over \$20,000 and could include, but is not limited to, information on the fault alleged, settlement amount proposed, settlement justification, and attorneys' fees expended in defense of the claim.
3. Once a process is approved by this Board, instruct County Counsel to apply the process retroactively to all settlements over \$20,000 presented to the Claims Board or to this Board for approval since May 2007.

MJ/sf